

APPEAL NO. 010759

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on March 15, 2001. The hearing officer resolved the disputed issues by concluding that the appellant (claimant) did not sustain an injury on _____, and that she has not had disability. The claimant's appeal contends that the hearing officer's determinations are against the great weight of the evidence. The respondent (carrier) urges in response the sufficiency of the evidence to support our affirmance.

DECISION

Affirmed.

The hearing officer did not err in finding that the claimant did not injure herself at work on _____, and that she did not have disability. The testimonial evidence was in conflict concerning whether the claimant, who was employed as a temporary employee and who had previously injured her left wrist at another work site, actually injured her right wrist on her first day at a new work site while setting an accordion folder with papers down on a desk. In his October 20, 2000, report, Dr. P, who examined the claimant, stated that he discussed the claimed right wrist injury with the claimant in detail and that from what she described, he found it medically improbable that any wrist injury would have occurred. The hearing officer makes clear that he did not find credible the claimant's testimony regarding the occurrence of the accident. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). We are satisfied that the challenged determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge